

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**801 K STREET, MS 15-59, SACRAMENTO, CALIFORNIA 95814 • (916) 324-8598 • WWW.CALRECYCLE.CA.GOV

September 26, 2014

Mr. Robert Avila
City of Pasadena
175 N Garfield Avenue
Pasadena, CA 91101

Dear Mr. Avila,

Assumption 1 – from City of Pasadena: A recycling facility moved into a market would not satisfy the convenience zone requirements:

CalRecycle Response: There are no Division of Recycling regulations prohibiting a recycling center from becoming operational *inside* a supermarket or other beverage dealer. Applicants are certified at the address where they apply. Therefore, in-store reverse vending machines (RVMS) or in-store staff-operated recycling centers satisfy the requirement to have a recycling center within a convenience zone.

Assumption 2 – from City of Pasadena: The curbside recycling programs do not satisfy the requirement for convenience zones:

CalRecycle Response: This is correct. Curbside recycling programs do not meet the requirements for serving convenience zones because they are not certified recycling centers and do not redeem empty CRV containers. This is found in **PRC 14571 (a)** "Except as otherwise provided in this chapter, there shall be at least one certified recycling center or location within every convenience zone that accepts and pays the refund value, if any, at one location for all types of empty beverage containers and is open for business during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m."

Here is the location where you can find the Beverage Container and Litter Reduction Act: <http://www.calrecycle.ca.gov/Publications/Documents/1478/20131478.pdf>

Sincerely,

A handwritten signature in black ink, appearing to read "Walt Simmons".

Walt Simmons, Supervisor
Convenience Zone Unit





November 26, 2014

Honorable Mayor Bill Bogaard
Pasadena City Council
100 N. Garfield Ave.
Pasadena, CA 91109

RE: CRV recycling policy in the City of Pasadena

Dear Mayor Bogaard:

On behalf of the California Grocers Association, and its member companies, I write to express significant concern with the proposed zoning code amendments to modify the standards for the “Recycling Facility” land use classification. It is my understanding that the council will be making a decision regarding the placement of existing CRV recycling facilities in Pasadena at a council meeting in mid-December. Relocating recycling facilities entirely inside grocery stores would pose a significant health risk to your residents who shop at affected locations. We respectfully ask that you take into consideration our industry’s operational concerns and instead consider other recommendations that do not involve moving recycling facilities inside grocery stores.

The California Grocers Association is a non-profit, statewide trade association representing the retail food industry since 1898. CGA represents approximately 500 retail member companies, many of which do business in Los Angeles. Collectively our members operate more than 6,000 retail food stores in California. Those outlets represent the breadth of diversity of California’s retail food industry and include traditional supermarkets, convenience stores, wholesale merchandisers, and independent supermarkets. Many of CGA’s member companies proudly serve the City of Pasadena, its residents, and visitors to the community.

In 2013, the City Council adopted a moratorium on the expansion or replacement of existing recycling facilities, or establishment of new facilities. Most recently we have become aware that the City Council is now considering making another policy decision restricting recycling facilities which could have potential negative impacts to retailers – requiring recycling facilities to either be:

1. located entirely indoors; or
2. moved a minimum of 30-feet from any public street or alley and a minimum of 15 feet from any property line. It is anticipated that an increased distance would ameliorate potential noise impacts with the added benefit of reducing potential aesthetic impacts. The minimum distances could be increased on a case-by-case review of specific projects.

California state law has defined a convenience zone (CZ) as a one-half mile radius around every grocery store. Every CZ is required to have a certified CRV redemption recycling within its boundaries. If a CZ is “unserved,” meaning there is no CRV recycling center within the CZ, the grocery store creating the CZ and retailers selling CRV products within the CZ are required to pay \$100 per day to the state as a penalty, which equals \$36,500 a year. For our member companies, that is a significant cost burden that must be passed on to consumers through reductions in service and/or higher prices for items. Local restrictions that limit a grocery store’s ability to be served by a CRV recycling center can have devastating impacts.

The other option for grocery stores trying to comply with state law when a CZ is unserved is for those stores to redeem cans and bottles inside the store. This option would undoubtedly create significant public health concerns. There would be operational challenges faced by stores when customers bring used containers into licensed food facilities – containers that may have been contaminated with any number of communicable germs from contact with humans, house pets, rodents, and/or insects.

For consumers, moving CRV recycling centers inside grocery stores means they would be forced to shop for their bread, produce, dairy and other items side by side with people who are carrying bags of recyclables – again, dirty containers that have come into contact with a number of contaminants, have foul odor, and are leaking onto the floor. Your residents deserve a clean and safe environment that is free of contamination to buy food for their families. As cited on the January 8th, 2014 Staff Report (Attachment C) to the Planning Commission, locating a recycling facility inside a grocery store would simply bring all of the community’s concerns regarding recycling facilities inside the store. Moreover, this option would go against the General Plan, which calls for any “*proposed amendment to not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.*”

We respectfully ask the Pasadena City Council to take into consideration the fact that grocery stores need to retain opportunities that allow flexibility to locate CRV recycling facilities within the Convenience Zone, which include allowing operations to exist separate from permanent buildings. We welcome an opportunity to discuss with the City specific concerns raised and ways to address them without the unfortunate consequence of having recycling centers be moved inside grocery stores.

Sincerely,



LAURA PERALTA
Director, Southern California Local Government Relations

cc: Mayor Bill Bogaard
Members, Pasadena City Council
Mr. Michael Beck, City Manager, City of Pasadena
Mr. Vincent P. Bertoni, Director, Planning & Community Development, City of Pasadena
Mr. Robert Avila, Planner, Planning & Community Development, City of Pasadena